

Office of School Facilities
Jaime G. Torrens, Chief Facilities Officer

SUBJECT: THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, AUTHORIZE THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND EXECUTE:

- 1) A LICENSE AGREEMENT WITH THE CITY OF MIAMI TO ALLOW FOR INTERIM PARKING AT THE CITY-OWNED MIAMI MARINE STADIUM, FOR MARITIME & SCIENCE TECHNOLOGY (MAST) ACADEMY FACULTY, STUDENTS AND STAFF DURING THE CONSTRUCTION OF RECREATIONAL FIELDS AND A PERMANENT 6-12 EDUCATIONAL FACILITY ON THE MAST ACADEMY CAMPUS; AND
- 2) ANY OTHER DOCUMENTATION THAT MAY BE REQUIRED TO EFFECTUATE IMPLEMENTATION OF THE AGREEMENT

COMMITTEE: FACILITIES PLANNING AND CONSTRUCTION

LINK TO

STRATEGIC PLAN: FINANCIAL EFFICIENCY/STABILITY

The Board, at its meeting of June 13, 2012, as confirmed by the Board on July 11, 2012, authorized the Superintendent to, among other things, finalize negotiations and execute an Interlocal Agreement (ILA) with the Village of Key Biscayne to facilitate the construction on the MAST Academy campus (School) of: 1) a permanent 6-12 educational facility; and 2) recreational fields. As a part of the latter work, which is due to be completed by May of 2013, use of the existing School parking lot will be discontinued, which in turn requires that an interim parking plan be in place. To that end, District staff has contacted its City of Miami counterparts concerning the possible interim use of approximately 125 parking spaces (Parking Area) within the Miami Marine Stadium, through the implementation of a License Agreement (Agreement) between the parties.

City and District staff have begun discussions concerning the proposed Agreement, including a request by the District for the waiver of rental fees by the City. At this point, based on discussions with City staff, it is anticipated that this matter would be presented to the City of Miami Commission at its meeting of December 13, 2012. Final proposed terms and conditions of the Agreement will also be reviewed by the School principal and Region Superintendent, Central Region Office.

License Agreement

Based on the template Agreement provided by the City and discussions with City staff, it is expected that the Agreement with the City will cover, substantially, the following terms and conditions:

- a term covering the period of up through August of 2015;
- the location of the Parking Area to be used by the School within the Miami Marine Stadium parking facility, as mutually agreed to with the City;
- the Board shall have use of the Parking Area Monday through Friday from 6:00 a.m. to 5:00 p.m., during the regular school year;
- although still under negotiation, and based on preliminary discussions with City staff, it is anticipated that the City will waive its customary rental fee;
- the Board shall be responsible, at its expense, for all maintenance and repair of the Parking Area during its period of use;
- the Board shall be responsible for payment of all utilities, if any, relating to the Board's use of the Parking Area;
- the Board shall accept the Parking Area in its "as is" condition;
- either party may cancel the Agreement at any time, without cause or penalty, by giving the other party at least thirty (30) days prior written notice;
- the Board shall indemnify and hold harmless the City, to the extent of the limitations included within Florida Statute, from all liability which may arise as a result of the Board's negligence, actions or failure to act under the terms of the Agreement; and
- for purposes of this Agreement, the Superintendent of Schools, or his/her designee, shall be the party designated by the Board to grant or deny any and all approvals required under this Agreement, including, without limitation, reviewing and approving all matters relating to the Board's construction of improvements within the Parking Area, if any, or any approvals required by this Agreement for the renewal, cancellation and/or termination of this Agreement.

The Agreement will be reviewed by the School Board Attorney's Office and Office of Risk and Benefits Management prior to execution.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to finalize negotiations and execute:

- 1) a License Agreement with the City of Miami to allow for interim parking at the City-owned Miami Marine Stadium, for Maritime & Science Technology (MAST) Academy faculty, students and staff during the construction of recreational fields and a permanent 6-12 educational facility on the MAST Academy campus, under, substantially, the terms and conditions noted above; and
- 2) any other documentation that may be required to effectuate implementation of the License Agreement.

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